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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/583,311

Applicant(s)

BARNETT ET AL.

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-36 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 3, 6, 8-10, 13, 14, 16, 18, 20-22, 25, 26, 28, 30 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,473,894 to Shrader et al.

Regarding claim 1:

Shrader et al teach:

- a method of testing a first program ("testing...the applet..." in col. 4 line 44)
- reading an input file containing a location of a first program, identifiers of other programs to be invoked by the first program, and arguments to be passed to the other programs ("URL test array utilized by test/run program...includes n entries each having attributes containing the URL or a similar identifier for the source page including the applet(s) to be tested or run, the parameters...to be employed in testing or running the applet, the web browser application to run the test under...URL test array is created by test/run program when it reads test input file..." in col. 4 lines 39-48)

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- executing the first program including invoking the other programs and passing the arguments to the other programs (“starting a web browser application with the selected test array entry identifier and parameters as arguments for the web browser. The source page identified within the selected test array entry is loaded using the specified parameters...” in col. 7 lines 34-38)
- generating one or more log files based on results of execution of the first program (“As it executes, test/run program writes to test output file...” in col. 5 lines 12-13)

Regarding claim 2:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose an input file including special commands (“Test input file includes a list of URLs that contain the applets to be run. Each row may contain the name of the executable to be run and the number of times the URL should be reloaded...” in col. 5 lines 37-40)

Regarding claim 4:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose an input file being a text file (“create test input file for text/run program with all URLS which need to be tested...” in col. 6 lines 18-19. URLS are text, therefore the input file is a text file.)

Regarding claim 6:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose other programs being an Application Program Interface (API) (“testing or running of the applet...” in col. 4 line 44. An applet consists of commands from the Java API.)

Regarding claim 8:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose a log file being a text file (“write out error and status messages to test output file...” in col. 6 lines 45-46. The messages are text, therefore the log file is a text file.)

Regarding claim 9:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose each entry in a log file being date and time stamped (“write out error and status messages to test output file...” in col. 6 lines 45-46. The act of recording status information will inherently keep track of a time signature for the recorded action.)

Regarding claim 10:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose where the contents of said one or more log files are based on results of execution of the first program and the other programs (“Test output file records the results of strings passed to methods...within the applets.” in col. 5 lines 54-56.)

Regarding claims 13, 14, 16, 18 and 20-22:

Claims 13, 14, 16, 18 and 20-22 recite a system for performing the methods of claims 1, 2, 4, 6 and 8-10, respectively, and are rejected for the reasons set forth in connection with claims 1, 2, 4, 6 and 8-10, respectively. Further, Shrader et al disclose a system (“A system for executing applets...” in col. 11 line 24)

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Regarding claims 25, 26, 28, 30 and 32-34:

Claims 25, 26, 28, 30 and 32-34 recite a system for performing the methods of claims 1, 2, 4, 6 and 8-10, respectively, and are rejected for the reasons set forth in connection with claims 1, 2, 4, 6 and 8-10, respectively. Further, Shrader et al disclose a computer readable medium ("A computer program product within a computer usable medium..." in col. 12 lines 10-11)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent 6,457,142 to Klemm et al.

Regarding claim 3:

The rejection of claim 2 is incorporated, and further, Shrader et al disclose a loop command that causes execution of the first program to repeat, for a specified number of iterations, subsequent instructions until the occurrence of an endloop instruction ("setting a 'Loop' counter variable employed to store the number of times each source page has been reloaded to an initial value...The process then passes...a determination of whether the number of repeats specified for the selected test array entry is less than or equal to the current value of the Loop counter variable." in col. 7 lines

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11-32). Shrader et al do not disclose a sleep command that causes execution of the first program to pause for a specified time. Klemm et al disclose in an analogous java monitoring system a sleep command that causes execution of the first program to pause for a specified time ("The thread check method is started...that causes a wait for a user specified 'n' milliseconds." in col. 17 lines 33-35). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the process delay method of Klemm et al with the java based testing system of Shrader et al. The combination would be operative by adding instruction code to Shrader et al's testing program to perform specifically Klemm et al's step 801 (Fig. 8) between Shrader et al's steps 502 and 504 (Fig. 5). One of ordinary skill in the art would have been motivated to implement such a combination as this would ensure that testing occurs on a process or program when the system has ensured that there will be no conflicts between the testing program and the process in the system disclosed by Shrader et al.

Regarding claims 15 and 27:

The rejection of claims 14 and 26 are incorporated, respectively, and further, claims 15 and 27 recite a system and a computer readable medium for performing the method of claim 3, and are rejected for the reasons set forth in connection with claim 3.

6. Claims 7, 11, 19, 23, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent 6,205,412 to Barskiy et al.

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Regarding claim 7:

The rejection of claim 1 is incorporated, and further, Shrader et al do not disclose a program sending commands to an Automatic Call Distributor (ACD) switch through a CTI server. Barskiy et al disclose in an analogous computer-based testing system a program sending commands to an Automatic Call Distributor (ACD) through a CTI server. ("call centers...are capable of certain functions in switching, such as Automatic Call Distribution (ACD)...applications executed on a CTI processor..." in col. 3 line 48 to col. 4 line 3). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the computer simulation system of Barskiy et al with the testing system of Shrader et al, as the java based testing system of Shrader et al, which is designed to apply equally regardless of the particular type of signal bearing media, could be used to improve the software simulation module in the system disclosed by Barskiy et al by enabling the ability to operate on a wide variety of telephonic devices.

Regarding claim 11:

The rejection of claim 1 is incorporated, and further, Shrader et al disclose where the contents of one of said one or more log files are based on results of execution of the first program ("Test output file records the results of strings passed to methods...within the applets." in col. 5 lines 54-56).

Shrader et al do not disclose where the contents are based on responses from an Automatic Call Distributor (ACD) switch. Barskiy et al disclose in an analogous computer-based testing system wherein the contents are based on responses from an Automatic Call Distributor (ACD) switch ("a Simulated Telephony Objects Module (STOM)...represent such as...ACD..." in col. 4 lines 30-32. Further, "calls placed by STOM over path are modeled, and calls returned as a function of the outgoing calls over path are also modeled." in col. 4 lines 65-67. The modeling is done based on

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responses to and from an ACD). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the response-based modeling system of Barskiy et al with the java based testing system of Shrader et al, as the logging system as disclosed by Shrader et al would further enhance the simulation capabilities in the system disclosed by Barskiy et al by enabling a user to view a textual representation of the telephony system.

Regarding claims 19, 23, 31 and 35:

The rejection of claims 13 and 25 are incorporated, respectively, and further, claims 19 and 23 recite a system and claims 31 and 35 recite a computer readable medium for performing the methods of claims 7 and 11, respectively, and are rejected for the reasons set forth in connection with claim 7 and 11, respectively.

7. Claims 5, 12, 17, 24, 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,473,894 to Shrader et al in view of U.S. Patent in view of U.S. Patent 6,601,018 to Logan.

Regarding claim 5:

The rejection of claim 1 is incorporated, and further, Shrader et al do not disclose a first program being a Java Bean. Logan discloses in an analogous java based testing system a program being a Java Bean ("When testing components, e.g., JavaBeans..." in col. 7 lines 29-30). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the Java Bean based component system of Logan as one of the programs in the java based testing system of Shrader et al, as this would allow a component to be tested prior to using the component in an

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application in the system disclosed by Shrader et al, enabling the user to easily determine if an error exists within the Java Bean component.

Regarding claim 12:

The rejection of claim 1 is incorporated, and further, Shrader et al do not disclose generating one or more files containing expected results of execution of the first program and other programs, and comparing one or more of the files containing expected results to one or more of the log files.

Logan discloses in an analogous java based testing system a comparison as claimed (“background tests include those where the expected outcome of the test is known, so that a simple comparison between the expected outcome and the actual outcome can be performed in the background to test for proper functioning,” in col. 8 lines 20-25). It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the comparison system of Logan with the java based testing system of Shrader et al, as these tests provide a straightforward mechanism for ensuring that quality checks are performed in a complete and consistent manner, and that the testing is properly functioning, as stated by Logan in col. 8 lines 20-30.

Regarding claims 17, 24, 29 and 36:

The rejection of claims 13 and 25 are incorporated, respectively, and further, claims 17 and 24 recite a system and claims 29 and 36 recite a computer readable medium for performing the methods of claims 5 and 12, respectively, and are rejected for the reasons set forth in connection with claim 5 and 12, respectively.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday-Friday, 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Trent J Roche
Examiner
Art Unit 2124

TJR



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**